

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARTIN J. WALSH, Secretary of Labor,)	
United States Department of Labor,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
PROTECTION PLUS, INC., and RAYMOND)	
STANLEY, an individual,)	
)	
Defendants.)	

COMPLAINT

Pursuant to Section 217 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Secretary”), brings this action to enjoin and restrain the defendants PROTECTION PLUS, INC. (“Protection Plus”) and RAYMOND STANLEY (collectively, “Defendants”) from violating Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA and to recover unpaid compensation, plus an equal amount in liquidated damages pursuant to Section 216(c) of the Act (29 U.S.C. § 216(c)) for Defendants’ employees.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendants for compliance with the FLSA. The Secretary’s investigation reviewed Defendants’ employment and pay practices from May 13, 2018, through January 7, 2021 (the “Investigation Period”). Unless stated otherwise, all allegations and conditions described herein pertain to the Investigation Period.

Jurisdiction and Venue

1. This Court has jurisdiction of this case. 29 U.S.C. §§ 216(c), 217 and 28 U.S.C. § 1345.

2. This Court is the proper venue because all or a substantial part of the events or omissions giving rise to these allegations occurred in this judicial district.

Defendants

3. Defendant PROTECTION PLUS is a corporation within this Court's jurisdiction with an office at 2345 Lynhurst Drive, Suite 200, Indianapolis, Indiana 46241, where it conducts business.

4. PROTECTION PLUS is a security company providing on-site security at various businesses.

5. Defendant STANLEY has actively managed and supervised PROTECTION PLUS'S operations and its employees during the Investigation Period.

- a. STANLEY hired and fired employees.
- b. STANLEY set employees' work schedules.
- c. STANLEY set employees' pay rates.

6. During the Investigation Period, Defendants engaged in business within Marion County, within this Court's jurisdiction.

The FLSA Applies to Defendants

7. PROTECTION PLUS is an "enterprise" under the FLSA due to its related activities performed through unified operation or common control and for a common business purpose. 29 U.S.C. § 203(r).

8. PROTECTION PLUS is an “enterprise engaged in commerce” under the FLSA, because it had (i) two or more employees who are engaged in or produced goods for commerce; and (ii) an annual gross volume of sales or business done greater than \$500,000 during the Investigation Period. 29 U.S.C. § 203(s)(1)(A).

9. STANLEY is an individual “employer” under the FLSA because he has acted directly or indirectly in PROTECTION PLUS’s interests with respect to its employees. 29 U.S.C. § 203(d).

FLSA Violations

Overtime Violations

10. Defendants repeatedly and willfully violated Sections 207 and 215(a)(2) of the FLSA when they failed to pay their employees one-and-one-half times their regular rates for hours worked in excess of 40 in a workweek. 29 U.S.C. §§ 207(a)(1), 215(a)(2).

11. For employees who performed work at a single regular rate during a workweek, Defendants repeatedly failed to pay one and a half times the regular rate for all hours worked in excess of forty.

12. For employees who performed work at different rates in a single workweek, Defendants repeatedly failed to pay one and a half times the weighted average of those rates for hours worked in excess of forty.

Recordkeeping Violations

13. Defendants repeatedly and willfully violated Sections 211 and 215(a)(5) of the FLSA when they failed to keep complete and accurate records for an employee. 29 U.S.C. §§ 211, 215(a)(5), 29 C.F.R. Part 516.

14. Defendants failed to accurately record the hours worked by one employee on each workday.

15. Defendants failed to accurately record the total hours worked by one employee worked each workweek.

Remedies Sought

16. As a result of their FLSA violations, Defendants owe the employees listed in Exhibit A back wages and liquidated damages, under 29 U.S.C. §§ 216(c), 217. If Defendants continued to violate the FLSA after the Investigation Period, then Defendants may owe additional back wages and liquidated damages to employees.

17. Defendants may also owe additional back wages and liquidated damages, during the Investigation Period, to their employees whose identities the Secretary does not currently know.

18. Moreover, Defendants repeatedly and willfully violated Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA, because Defendants knew or showed reckless disregard for whether the FLSA prohibited their conduct.

19. Specifically, Defendants acted willfully when they persisted in paying employees less than their proper overtime rate for hours worked in excess of forty without regard to the Act's overtime and record-keeping requirements.

20. Defendants had notice about the FLSA's requirements by virtue of a prior investigation that revealed Defendants violated the FLSA by paying employees their regular rate for all hours worked in excess of forty hours. The Wage and Hour Division discussed these findings and the requirements of the FLSA with Defendants.

21. As a result of that investigation, Defendants agreed to come into compliance with the FLSA and to pay back wages and liquidated damages.

22. Given the prior investigation, Defendants' failure to correctly pay overtime and accurately record the number of hours an employee worked in a workweek demonstrates reckless or knowing disregard for the requirements of the FLSA's overtime and recordkeeping provisions.

23. Because Defendants repeatedly and willfully violated the FLSA, the Secretary is entitled to recover back wages and liquidated damages for a three-year period. 29 U.S.C. § 255(a).

Prayer for Relief

As a result of Defendants' repeated and willful FLSA violations, the Secretary respectfully requests this Court enter an Order:

A. Permanently enjoining and restraining Defendants, their officers, agents, servants, employees, and those in active concert or participation with them, from violating Sections 207, 211, 215(a)(2) and/or 215(a)(5) of the FLSA. 29 U.S.C. § 217(a).

B. Finding Defendants liable for unpaid overtime wages, plus an equal amount in liquidated damages, owing to the employees listed in Exhibit A, as well as to other of Defendants' employees not yet known to the Secretary. 29 U.S.C. § 216(c).

C. If the Court declines to award liquidated damages, then enjoining and restraining Defendants, their officers, agents, employees, and those persons in active concert or participation with Defendants, from withholding unpaid compensation found owing to Defendants' employees, plus prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury under 26 U.S.C. § 6621.

- D. Providing such other relief as may be necessary and appropriate.
- E. Awarding costs and granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

SEEMA NANDA

Solicitor of Labor

CHRISTINE Z. HERI

Regional Solicitor

s/ Jing Acosta

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Exhibit A

Allen, Joseph	Collins, Lindsey
Allen, Ronald	Conjelko, Kevin
Allison, Larry	Conner, Michael
Allman, Shauna	Cottongim, Frank
Anderson, Chris	Cox, Robert
Ash, Reginald	Crowell, Jerome
Attikisson Jr., Lynn	Davis, Renitta
Attlisson, Lynn Allen	Denney, Ariel
Bailey, David	DiSalvo, Zachary
Bailey, Lisa J	Dodson, Atalya
Baker, Karna	Douglas, Mason
Baker, Paul	Douglas, Raymond
Ballard, William M	Duncan, Kenneth
Beard, Caitlyn	Duncan, Tamika
Beaty, Roger	Dunham, Cathy
Bennett, Bruce	Dunham, Floyd
Bennett, Stacey	Erwin, Samuel
Benson, Robert	Evans, Cassie
Bentancourt, Jacob	Flanagan, Jimmy
Berry, Aaron	Fletcher, Theresa
Berry, Christopher	Ford, Anthony
Bevans, Eric	Gabriel, Dacelin
Biddle, Anthony	Gates, Raymond
Blake, Johnny	Gazvoda, Larry
Blanton, Alexis	Gibbs, Aaron
Bradshaw, James	Goldsberry, Catherine
Bridgeman, Michael	Golland, Deanna
Brinkman, Jeremy	Gonzalez, Sergio
Britton, Leonard	Goode, Tracy E
Brown, Zachary	Goodman, Chris
Brownlee, Mikayla	Grant-Thomas, Carrie
Bucci, Deborah L	Graves, Kelly
Burcham, Kenneth	Gray, Deasia
Burden, Alexander	Grayson, Tiffany
Burks White, Ty'waun	Gregory, Collins A
Burnett, Damon	Grimes, Marvin
Burnett, Davon	Hall, Matthew
Burris, Edward	Hardesty, Jake
Burton, James	Hargrave, Luke
Butcher, William	Harvey, Jordan C
Carman, Melissa	Heath, Philip
Chase, Donna	Heiney, Shannon
Christy, Ed	Hill, Dwond
Clark, Kaylee	Holmes, Shawn

House, Angel
House, Henry
Howard, Michael
Huffman, John
Hutchings, Phyllis
Hutchins, Earl
Ingles II, William
Johnson, Japhia H
Johnson, Jeremiah
Jones, Elvis
Keene, Kelvin
Kendall, Roger
King, Craig
King, Stephen
Knotts, Larry
Knue, James
Knue III, James
Kutruff, Victoria
Lain, Bawi Za
Lamon, Nora
LaPlante, Reginald B
Lewis, Cheyanna
Lewis, Debbie
Lewis, Ernest
Lightcap, Daniel
Line, Jeffrey
Livingston, Matthew
Lynn, Shaelie
Maciel, Andrew
Mack, Brian
Mansaree, Bakary
Martin, Jason
Mcbee, Nathan
Mcclain, Michael
McDaniel, Aaron
McDaniel, Melissa
McDaniel, Steve
McPeek, Quinten
McQuinn, Cristina
Meade, Ronald
Medsker, James
Meola, Ralph
Mikels, Norman
Miranda, Jose A
Montgomery, Linda
Moore, Terry R

Morgan, Robert
Mosinski, George
Mosley, Michael
Mulkey, Glen H
Ndiaye, Malick
Neely, Sonya
Newson, Robert
Northcutt, Ron E
Oden, Brian
Parker, Ronetta
Patton, Kristal
Pea, Michael
Petro, Jerry
Pettigrew, William
Phillips, Deon
Pitcock, Hunter
Price Jr., Gregory
Province, Franklin
Puente, Quenton
Puente, Steve
Pullins, Fred
Quakenbush, Greg
Ray, Devaan
Reeves, Gerald
Richardson, Jackie
Richardson, Norine
Richardson, Richard
Riley, Gregory
Robinson, Anna
Rodriguez, Edward
Rogers, Antwann
Rosales, Martin
Santiago, Vincent
Saylor, Frank
Scurlock, Chardae
Serf, Andrea
Shannon, Toni
Shoulders, Zaavier
Shriner, Christina
Simpson, Robert
Smilko, Robbie
Smith, Dana
Smith, Tyrae
Smock, Misty
Smock, Ronald
Sprong, Jonathon

Stephens, Michael
Stephens, Shannon
Stigall, Jeff A
Sullivan, Melissa
Telfair, Darrell
Terhune, Robert
Terrell, Liebe L
Thomas, Robert
Thomas, William
Till, Tyler
Toliver, Tiaan
Treece, Matthew
Tuchek, Jacob
Turner, Shurea
Vaughn, Stephen L
Vest, David
Ward, Jordan
Warren, Craig
Webb, Cody
Webb, Paul
Wilbers, John
Wilder, Markee
Williams, Andre
Williams, Desmond
Williams, Donte
Williams, Marie S
Williams, Mario S
Williams, Marshall
Willoughby, Jasmine
Willoughby, Lela
Wilson, Demyshia M
Wray, Quanita
Wright, Audra
Wright, Khryishna
Young, Bobby